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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,816	12/07/2001	Masami Murai	1089.0310001	8194

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EXAMINER

NGUYEN, JUDY

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,816

Applicant(s)

MURAI, MASAMI

Examiner

Judy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-36 and 40-46 is/are pending in the application.
- 4a) Of the above claim(s) 40-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/418,309.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Claims 40-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The abstract of the disclosure is objected to because it does not include that which is new in the art to which the claimed invention pertains. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 28 and 32 are objected to because of the following informalities:
 - Claim 28: "an" (line 2) should be --a--
 - Claim 32: "chronium" should be --chromium--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification discloses that the main component of the adhesive layer 41 is an alloy of the anti-diffusion metal and the metal that constitutes the bottom of electrode (page 44; last paragraph). The specification also discloses that the thickness of the adhesive 41 is equal to the combined thickness of the adhesive metal layer and the anti-diffusion metal layer (page 45; last portion of the first paragraph). The latter disclosure does not include the thickness of the metal layer that constitutes the bottom electrode that supposed to be part of the adhesive layer 41 as previously disclosed. Hence, it is unclear how one skilled in the art can make an adhesive layer having a thickness less than the thickness of the combined layers that

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formed the adhesive layer. Therefore, it is unclear how one of the metal of the adhesive alloy constitutes the bottom electrode as recited in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 28, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (JP 09-260516) in view of Kameyama et al (US 6,208,400).

Sato et al discloses the following elements of the claimed invention:

- A ferroelectric thin film (5) sandwiched between a top electrode (7) and a bottom electrode (4) consists of platinum
- An adhesive layer (3) having an anti-diffusion metal (Ta) formed between the bottom electrode (4) and the surface where the transducer is installed ⁽²⁾
- An anti-diffusion layer (8) having an anti-diffusion metal (Ti) and formed between the bottom electrode ⁽⁴⁾ and the ferroelectric thin film (5)

However, Sato et al does not disclose the followings:

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- ~~The adhesive layer and the anti-diffusion layer are formed from an alloy~~
- The anti-diffusion metal of the anti-diffusion layer (8) is same as the anti-diffusion metal in the adhesive layer (3).

Nevertheless, Kameyama et al discloses the followings:

- An ~~adhesive layer~~ anti-diffusion layer can be either a single metal selected from a list of anti-diffusion metals or an alloy of those metals (column 7; line 11+) including titanium or chromium
- Anti-diffusion metals (Ta) and (Ti) are alternatives for each other (column 7; line 11+).

Because using an alloy was art-recognized equivalent to a single metal for acting as an adhesive/anti-diffusion layer at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the single metal with an equivalent alloy for the purpose of providing a bonding for electrode that prevents diffusion.

In addition, since (Ta) and (Ti) are known to be equivalent alternatives as anti-diffusion metals, using the anti-diffusion metals with the same type or different, *but* equivalent types would provide the same or equivalent result. Hence, one of ordinary skill in the art would have found it obvious to use either combination including the combination where the metals are of the same type as recited in the

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claims for the purpose of the providing a strong bonding between an electrode and its attached surfaces.

9. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al and Kameyama et al as applied to claims 28, 31, 32 above, and further in view of Ishibashi et al (US 6,414,975).

Sato et al as modified suggests all features of the claimed invention except for the anti-diffusion metal being selected from the group consisting of iridium, **palladium**, rhodium, ruthenium, and osmium and the adhesive layer is an alloy of the anti-diffusion metal and the metal constitutes the bottom electrode.

However, Ishibashi et al discloses that Tantalum (Ta), titanium (Ti), palladium (Pd), and platinum (Pt) are equivalent alternatives for each other as an anti-diffusion metal.

Because (Pd) or (Pt) was art-recognized equivalent to (Ta) or (Ti) as an anti-diffusion metal at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute (Ta) or (Ti) with (Pd) or one metal from the alloy of the modified layer above with the metal constitutes the bottom electrode such as platinum (Pt) for the purpose of providing a bonding for electrode that prevents diffusion.

10. Claims 33, 34/28, 34/31, 34/32, 34/33, 35/34/28, 35/34/31, 35/34/32, 35/34/33, 36/34/28, 36/34/31, 36/34/32, 36/34/33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al and Kameyama et al as applied to claims 28, 31, 32 above, and further in view of Shimada et al (US 5,802,686).

Sato et al as modified suggests all features of the claimed invention except for the thickness of the ferroelectric thin film being at least 1 micrometer, a diaphragm film formed on at least one side of a pressure chamber, the diaphragm film is constituted by lamination of a silicon oxide film and a zirconium oxide film.

However, Shimada et al discloses a ferroelectric thin film being at least 1 micrometer (column 10; line 35), a diaphragm film (103+201) formed on at least one side of a pressure chamber (102), the diaphragm film is constituted by lamination of a silicon oxide film and a zirconium oxide film (column 16, lines 36+).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Sato as modified to have the thin film thickness and to use the device in the environment having the diaphragm

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composition as by taught by Shimada et al for the purpose of obtaining an ink discharge printing device having reliable bonding layers that are not peel-off.

11. Claims 34/29, 35/34/29, 36/34/29, 34/30, 35/34/30, 36/34/30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al, Kameyama et al, and Ishibashi et al as applied to claims 29 and 30 above, and further in view of Shimada et al.

Sato et al as modified suggests all features of the claimed invention except for the thickness of the ferroelectric thin film being at least 1 micrometer, a diaphragm film formed on at least one side of a pressure chamber, the diaphragm film is constituted by lamination of a silicon oxide film and a zirconium oxide film.

However, Shimada et al discloses a ferroelectric thin film being at least 1 micrometer (column 10; line 35), a diaphragm film (103+201) formed on at least one side of a pressure chamber (102), the diaphragm film is constituted by lamination of a silicon oxide film and a zirconium oxide film (column 16, lines 36+).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Sato as modified to have the thin film


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thickness and to use the device in the environment having the diaphragm composition as by taught by Shimada et al for the purpose of obtaining an ink discharge printing device having reliable bonding layers that are not peel-off.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy Nguyen whose telephone number is (703) 305-7062. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (703) 308-0750. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Judy Nguyen
Primary examiner
October 17, 2002